



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fiftieth session

Summary record of the 1007th meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 11 October 2011, at 10 a.m.

Chairperson: Ms. Rasekh (Vice-Chairperson)

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* No summary record was issued for the 1006th meeting.

This record is subject to correction.

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In the absence of Ms. Pimentel, Ms. Rasekh, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second to fourth periodic reports of Lesotho (CEDAW/C/LSO/1-4, CEDAW/C/LSO/Q/1-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Lesotho took places at the Committee table.*
2. **Ms. Mahase-Moiloa** (Lesotho), introducing the combined initial and second to fourth periodic reports of Lesotho (CEDAW/C/LSO/1-4), said that they had been submitted late because of insufficient financial and human resources. Nevertheless, her Government remained determined to uphold the human rights of the people of Lesotho, including the rights under the Convention. Indeed, its commitment to the Convention was reflected in the composition of the present delegation. The process of preparing the report had been inclusive, involving parliament, Government ministries, non-governmental organizations (NGOs), civil society and development partners, thus giving the many stakeholders concerned a sense of ownership of the report.
3. The Lesotho Law Reform Commission had held a series of public gatherings to raise awareness among the people about the current efforts to bring customary law into line with the Legal Capacity of Married Persons Act passed in 2006, under which married women were no longer treated as minors. As the customary law of the Kingdom of Lesotho derived its force from traditional norms and cultural practices that had been shaped over centuries, efforts to change the laws and practices posed challenges.
4. The enactment of a constitutional amendment in 2010 had brought her Government closer to withdrawing its reservation, relating to succession to the throne, to article 2 of the Convention. The amendment also afforded an opportunity to address other forms of discrimination that had been maintained in the culture, norms and practices of Lesotho.
5. The Government of Lesotho had also enacted the Land Act in June 2010, superseding a previous law that had discriminated against women in land ownership. The new Act provided for equal title to land for both men and women and introduced leasehold in the rural areas, thus facilitating women's access to credit using land as collateral.
6. Gender-based violence, which was growing, remained a major challenge. Efforts to provide appropriate training to judges, prosecutors and other State officials concerned and chiefs and traditional and religious leaders in order to deal with the problem had resulted in increased awareness and reporting of cases of gender-based violence. Turning to legislation on domestic violence currently under consideration, her Government had consulted widely with stakeholders, carried out extensive research and collected statistical data so that the real difficulties that women and girls faced would be reflected in the law. Another significant development was a bill on the Penal Code, which included a definition of spousal violence and a provision on marital rape.
7. Lesotho recognized the importance of women's development and advancement. The National Assembly Elections Act 2011, for example, provided for party lists that alternated women and men candidates for elections under the proportional representation system – a process referred to as “zebra listing”. The Government had recently amended the law on local government elections to build on the gains in the 2005 elections that had been made by women, who had won 58 per cent of the seats. The Local Government Elections (Amendment) Act, which had been translated into Sesotho, provided for an additional one third of the community council seats to be set aside for women in local government

elections, regardless of how many women were currently seated in a given council. Public awareness campaigns on the amended legislation had been conducted throughout the country in partnership with civil society organizations. Furthermore, campaigns had been launched to encourage and help the women who had recently run in local government elections.

8. Lesotho had incorporated the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) into its legislation through the enactment of the Anti-Trafficking in Persons Act 2011 and was currently developing a national action plan to implement the Act. It had carried out campaigns to raise awareness at the community level about human trafficking in partnership with civil society, and had established shelters for victims offering counselling and training. Thirty-six further cases of trafficking had been reported since the publication of the responses to the additional list of issues. Lesotho was also working with other States in the region and had been actively involved in a 10-year Southern African Development Community (SADC) strategic plan of action to address the problem.

9. A reshuffling in 2010 had added another woman to the Cabinet — the Minister of Employment and Labour — which brought the share of women Cabinet appointments to almost 40 per cent, while women accounted for the some two thirds of the current assistant ministers. The achievements of women were reflected in *The Global Gender Gap Report 2010*, published by the World Economic Forum, which ranked Lesotho first in sub-Saharan Africa and eighth in the world in closing the gender gap.

10. As the State party's report had indicated, HIV/AIDS remained one of the country's main developmental challenges, particularly as women were increasingly vulnerable to the epidemic. Lesotho had developed a new 2011–2016 strategic plan to combat the disease based on the principles of gender equality and the advancement of women's rights. Furthermore, a revised National Action Plan on Women, Girls and HIV/AIDS covering the same period had been finalized, with a focus on areas such as property inheritance, sexual and gender-based violence, economic empowerment and access to sexual and reproductive health services.

11. As a result of the Campaign on Accelerated Reduction of Maternal Mortality in Africa, a special parliamentary session to launch the Campaign and programmes mentioned in the report to reduce maternal mortality and neonatal mortality and morbidity, more women were giving birth at health-care facilities. Furthermore, the Government was currently constructing clinics and providing equipment to health-care facilities in partnership with the Millennium Challenge Corporation in order to address maternal mortality. With a view to promoting a work-life balance, the Government had extended paid maternity leave from 60 to 90 days. At the end of the maternity leave, women were given an extra hour of leave, or two hours every day for a period of six months, to nurse their children.

12. The campaigns launched under the African Women's Decade (2010–2020) declared by African Union Heads of State and Government had resulted in the establishment of various community-based women's organizations and support groups in the areas of health, agriculture and legal aid that acted as agents of change at the community level and provided assistance to rural women. Turning to the rights of the child, she said that the Government of Lesotho had also passed the Children's Protection and Welfare Act in 2011, which repealed both civil and customary law and raised the minimum age for marriage to 18 years.

Articles 1 and 2

13. **Ms. Patten**, commending the State party on its inclusive approach to drafting the report, said that she would like more information on the efforts to incorporate the Convention into domestic law and on the current legal status of the Convention. She asked what steps the Lesotho Law Reform Commission was taking to amend section 18 of the Constitution, which made exceptions to the principle of freedom from discrimination that were not compatible with the Convention. She asked whether there was a time frame for the establishment of an independent human rights institution, which was long overdue, especially given the technical assistance that had been provided to the State party for that purpose.

14. **Ms. Šimonović**, welcoming the presence of such a high-level delegation, asked in the light of the State party's dual legal system whether the efforts to incorporate the Convention into domestic law entailed future amendments to the Constitution, in particular section 18, subsection 4 (c), and to other legislation that allowed for discrimination against women.

15. **Ms. Halperin-Kaddari**, after commending Lesotho on the adoption of legislation raising the minimum age for marriage, said that it was not clear whether the Legal Capacity of Married Persons Act covered women who had entered into customary law marriages or civil law marriages that were not under a regime of community of property. She would also appreciate information on the legal capacity of unmarried women. She asked whether women who had been denied title to land under past legislation currently enjoyed property rights under the Land Act 2010 and recalled that the State party had made no reservations to articles 15 and 16 of the Convention.

16. **Ms. Mahase-Moiloa** (Lesotho) said that international treaties to which Lesotho was a party were incorporated into domestic law through the enactment of laws by parliament. In fact, the legislation recently enacted by parliament, including the Legal Capacity of Married Persons Act, showed that the Convention had had a considerable impact on domestic law. The Lesotho Law Reform Commission would be looking more closely into amending section 18 of the Constitution to avoid any discrimination against women. A bill on the national human rights institution would be considered by the Cabinet before the term of the current parliament expired and would be a top priority for the next parliament. Budget constraints had also slowed down setting up the institution. The Convention had been cited by the courts, including a notable case of positive discrimination brought before the courts during the 2005 local government elections, mentioned in paragraph 64 of the report. She could not provide a time frame for repealing other laws that might discriminate against women, but reaffirmed her Government's commitment to further legal reform.

17. Turning to the issue of the dual legal system, she said that customary law had been in place from time immemorial and change did not always occur as quickly as the Government might wish. Nevertheless, efforts had been made to amend discriminatory laws that had been tied to customary practices. Despite certain provisions that remained on the books, customary law had been overtaken by the swift pace of civil law reform and increasingly had no discriminatory effect. Furthermore, people were tending to move away from customary laws and practices towards civil law as they became better educated.

18. The amendments to the Land Act had also addressed discrimination in land ownership by unmarried women. In addition, under the amended Companies Act, women could head companies, regardless of their marital status. The law had also been amended so that the children of single mothers had the right to inherit their property. Thus, legal reform focused on promoting the rights of all women, not only married women.

19. **Ms. Lepono** (Lesotho) said that the Legal Capacity of Married Persons Act covered both marriages under regimes of community of property and marriages entered into with prenuptial agreements.
20. **Mr. Masenyetse** (Lesotho) said that, while the bill on the national human rights institution was still pending, Lesotho had in place a comprehensive human rights infrastructure. The High Court, for example, was a constitutional court that protected the rights enshrined in the Constitution. Although his Government wished to see the prompt establishment of a national human rights institution, there was no need to worry about its status, as Lesotho currently had the necessary safeguards to protect the rights of women and other human rights.
21. **Ms. Mahase-Moiloa** (Lesotho) said that the Lesotho Law Reform Commission, which was headed by a woman, included a considerable number of women members.
22. **Ms. Halperin-Kaddari** said that it was still not clear to her whether the Legal Capacity of Married Persons Act applied to Basotho customary marriages. Citing a report stating that under customary law women were still perpetual minors, could not own land or sign a contract without assistance from their male guardians and had limited rights over their own bodies, she wondered whether that was still the case under customary law.
23. **Ms. Patten**, responding to the comment that current institutions fulfilled the role of a national human rights institution, said that she wished to have more information on women's access to justice through legal aid provided by the State, rather than NGOs. The State party lacked special family courts and courts to deal with domestic violence. Several other treaty bodies had recommended for some time that Lesotho should set up a national human rights institution. Recalling that technical assistance had been provided and the Office of the High Commissioner for Human Rights had consulted with the Government and civil society on the relevant draft legislation in 2007, she failed to understand the difficulties in enacting the law. The current Office of the Ombudsman only handled complaints that were lodged against civil servants and had no enforcement powers. Therefore, the enactment of the law and establishment of the institution was indeed cause for concern. She would also like further clarification of the work being done by the Lesotho Law Reform Commission to amend section 18 of the Constitution.
24. **Ms. Šimonović** asked whether there were plans to repeal the provision under section 18 that allowed for gender-based discrimination. She would like information on training provided to the judiciary in accordance with article 13 of the Optional Protocol. Further details of the incorporation of the Convention into domestic legislation would also be helpful.
25. **Mr. Masenyetse** (Lesotho) said that the Government had made major advances towards the establishment of the national human rights institution. The relevant bill would be sent to the Cabinet for final approval and submitted to the current parliament for a first reading, which was a considerable achievement. Plans had already been made to provide the institution with headquarters and identify its administrative needs. However, despite the technical assistance that had been received, running the institution would be costly and its operations would be subject to the availability of resources.
26. The Legal Aid Unit attached to the Ministry of Justice, whose main clients were women, had increased the number of lawyers from 3 to 20 in about three years. The Unit was open every day and addressed the plight of women. Judicial reform was currently under way to enhance access to judicial services and the legal system in general. Women were at the heart of efforts towards legal reform, as it was recognized that they constituted a vulnerable group. Mediation facilities had been introduced as a means of providing affordable and inclusive justice. The Government had also introduced restorative justice measures as a mechanism for not only justice, but also for crime prevention.

27. **Ms. Mahase-Moiloa** (Lesotho), after reading out part II, paragraph 3 (1), of the Legal Capacity of Married Persons Act 2006, which repealed the marital power of a husband over his wife with regard to the administration of a joint estate, said that the Act applied to both the common law and customary law. The Act was a good example of the current efforts to rectify discriminatory provisions that had been based on customary law. Her Government had done its utmost to incorporate the relevant international treaties into domestic law when new legislation was enacted. Turning to the issue of amending the Constitution, she noted that section 18, subsection 4 also specified that nothing in the subsection should prevent the promotion of equality and justice for all citizens or the removal of any discriminatory law.

Articles 3 to 6

28. **Ms. Neubauer** said that she would like clarification of the role and authority of the Ministry of Gender and Youth, Sports and Recreation, the main department responsible for the empowerment of women. More information was also needed on its financial and human resources, including the number of staff, share of the State budget allocated and how much of the Ministry budget was set aside for gender affairs. She would also appreciate information on future action plans to accelerate the implementation of the Government's gender policy and how it would obtain the necessary support and coordination for gender mainstreaming efforts and revaluation of the results, including at the community level. Referring to women and development, she said that rather than view them as a homogeneous vulnerable group, they should be seen as crucial actors in promoting economic and social development.

29. **Ms. Ameline**, commending the State party on its proven political will to implement the Convention, said that the legal system still had significant shortcomings. She would like clarification of the current efforts to amend the Constitution. Noting that the common law and customary law coexisted on an equal footing, she wished to know whether that was something the Government of Lesotho wished to change in order to advance the legislative reform under way. More information was needed on cases where there was a conflict between the two legal systems, on which courts were involved, and the remedies available when the law was not properly enforced, for example in cases of domestic violence. She also asked whether the penalties for offences involving gender-based violence would be reviewed. She noted with concern the use of mediation, which did not always allow for equal relations in proceedings, and asked whether civil society had been involved in efforts to combat domestic violence and provide compensation to victims.

30. **Ms. Lepono** (Lesotho) said that the Department of Gender had a social, economic and political division. The Department had been allocated approximately 20 per cent of the overall budget of the Ministry of Gender and Youth, Sports and Recreation.

31. **Mr. Mosisili** (Lesotho) said that the Ministry received a great deal of support. The fact that a ministry for gender had been established was commendable in itself and reflected his Government's political will to bring about gender equality. There were some 18 permanent staff members in the Department as well as officers representing the Department in every district of Lesotho. Since his Government saw gender as a cross-cutting issue, it had gender focal points in every Ministry who met regularly as a committee – the Gender Technical Committee. Furthermore, members of civil society took part in the committee meetings and monitored the progress of the commitments undertaken by the Government. The Department of Gender also received significant financial support from its development partners. It was thus difficult to quantify the resources available to it. All stakeholders were consulted in workshops and their views on gender policies were incorporated by the Cabinet before they were submitted to parliament. Thus, the policies enjoyed extensive political support. Moreover, weekly public gatherings were held at the village level at

which the relevant laws were publicized. Workshops were also conducted for community councillors so that they understood the concept of gender, gender policies and the legal frameworks that had been put in place.

32. Turning to the issue of the vulnerability of women, women were indeed a political force and should not be viewed as a vulnerable group. More than 60 per cent of the population and almost as large a share of registered voters were women. They could thus make or break any Government. The Government was actively working towards amending laws that discriminated against women and thus made them vulnerable, most of which had originated in the pre-colonial period.

33. Regarding contradictions between common and customary law, he said that any civil marriage annulled a customary marriage and any customary marriage following a civil marriage was invalid. The Legal Capacity of Married Persons Act was very clear in that respect. Lastly, the Government had launched consultations on a law on domestic violence, with the full involvement of civil society. Most legislation in Lesotho included penalties, although the culture tended to prefer mediation before it resorted to punishment.

34. **Ms. Neubauer** asked for further clarification of the outcome of the 2008–2010 draft implementation plan to protect the rights of women referred to in the report and whether a plan had been adopted that set objectives for the implementation of the Gender and Development Policy adopted in 2003, with a specific time frame for their achievement.

35. **Ms. Tabifor** (Lesotho) said that a 2007–2010 implementation plan for the Gender and Development Policy had been completed. Her Government was currently revising the Policy adopted in 2003 and would be reviewing the national action plan accordingly.

36. **Ms. Hayashi**, commending the State party's efforts to promote women in decision-making bodies, said that the case involving the Independent Electoral Commission referred to in paragraph 64 of the report should be widely publicized. Clarification was needed of the additional one third of community council seats to be set aside for women in local government elections under the Local Government Elections (Amendment) Act mentioned in the introductory statement. Did that mean that the share of seats held by women could increase from 58 per cent to 88 per cent?

37. **Ms. Lepono** (Lesotho) said that the Local Government Elections (Amendment) Act stipulated that 30 per cent of the community council seats should be allocated to women. Since they had won 58 per cent of the seats in the previous election, it was conceivable that they could win 88 per cent of the seats in future elections.

38. **Ms. Mahase-Moiloa** (Lesotho), noting that Lesotho had a mixed member proportional electoral system, said that, irrespective of the number of women elected to the community council, 30 per cent of the overall number of seats were allocated to women under the new law. The mixed member proportional system was also applied to National Assembly elections. Under the law on National Assembly elections, there were 80 constituencies and 80 proportional representation seats. When the system was adopted, it was hoped that it would increase the number of women in parliament. However, the main objective of the mixed member proportional representation model was to bring about peace and stability. Now that the objective had been attained, efforts were under way to alternate men and women on the party lists. While the elections for proportional representation seats might not necessarily result in parity between men and women, there would likely be an increase in the number of women in the forthcoming elections.

39. **Ms. Awori** said that, according to alternative sources, married women continued to be treated as minors and were prevented from owning land and entering into contracts in application of customary law, even though such practices were expressly prohibited in the Legal Capacity of Married Persons Act. That situation indicated that knowledge and

enforcement of the Act's provisions was inadequate and, for that reason, she would like more information about the scope and impact of the awareness-raising campaigns mentioned in the introductory statement.

40. She would also like to know the approximate percentage of the population that lived in communities where customary law was the predominant legal system and whether local courts still resorted to customary law instead of applying the provisions of the Legal Capacity of Married Persons Act. If that was the case, how did the Government plan to remedy the situation?

41. The details given in paragraph 12 of the responses to the additional list of issues (CEDAW/C/LSO/Q/1-4/Add.1) indicated that the Lapeng Care Centre was essentially a day-care facility providing training, education and counselling for men, women and children without segregation. While a commendable initiative, it was not primarily a shelter for women seeking refuge from domestic violence. Since it was vital that women at risk had access to overnight facilities for extended periods, she would like to know of any plans to build residential shelters reserved exclusively for female victims of abuse. She also enquired about the current status of the bill on domestic violence and what action, if any, the Government was taking to accelerate its enactment.

42. **Ms. Ameline** said that full implementation of the Convention's provisions would remain impossible while polygamous practices, early marriage and patriarchal customs and behavioural patterns persisted. Eliminating such practices was admittedly a challenge. However, given the State party's acknowledged achievements in education, she suggested that making human rights instruction a central component of educational curricula and using cultural activities and the media to raise awareness could help bring about the attitudinal and behavioural changes desired. Since, according to the report, perceptions and knowledge of women's rights varied significantly between regions, information about measures adopted to ensure that isolated communities did not fall beyond the reach of awareness-raising campaigns would be useful.

43. **Ms. Šimonović** said that she would appreciate clarification as to the State party's decision not to support the three recommendations related to female genital mutilation made in the universal periodic review. The lack of legislation criminalizing the practice and of an action plan for its elimination might be interpreted as evidence of its continued existence. If that was the case, could the delegation give an indication of its prevalence?

44. **Ms. Lepono** (Lesotho) said that the Lapeng Care Centre offered comprehensive support for victims of gender-based violence. It was handling a number of cases already and had four qualified counsellors. The Centre was a pilot project that, if successful and properly funded, would be replicated in the country's other nine districts. Although not a residential centre per se, it was equipped to provide overnight and longer-term refuge for women who could face further violence if returned to their homes. However, insofar as possible, the Centre sought to reconcile family members in order to avert the need for longer-term support and protection. That approach reflected usual practice in Lesotho, where mediation was the first choice of conflict resolution and aggrieved parties were always encouraged to exhaust informal avenues of redress before seeking recourse through the formal legal systems. The Centre offered a range of services under one roof because financial constraints made it impossible to establish separate mediation, counselling and shelter facilities. However, it was hoped that separate premises could be established in the future.

45. **Ms. Mahase-Moiloa** (Lesotho) said that an impact assessment survey to measure awareness and implementation of the Legal Capacity of Married Persons Act was planned for 2012. Because local courts had competence in matters of customary law only, their jurisdiction was very limited in practice, and was becoming increasingly limited, as more

and more of the provisions of customary law were repealed by acts of parliament. Range management issues and minor assaults accounted for the majority of disputes settled under customary law, and the vast majority of cases overall were settled before a magistrate under common law. As yet, no timeline for adoption of the bill on domestic violence had been established; the authorities wished to make the consultation process as thorough, open and inclusive as possible, but financial constraints were hindering progress.

46. The Human Rights Unit of the Ministry of Justice was working closely with the Ministry of Education to incorporate human rights instruction in educational curricula and thus raise awareness among the younger generation. Those initiatives were supported by awareness-raising campaigns targeting the older members of village communities. In remote, less accessible areas, disseminating information about laws and rights at the grass-roots level posed challenges, but the system of community-based local governance provided an institutional structure that could be used for that purpose.

47. The Ministry of Justice was working closely with the Ministry of Local Government to ensure accessible and speedy recourse to justice throughout the country. The Legal Aid Unit was being restructured at that time to ensure that there were at least two permanent legal aid officers based in each district. Until that time, mobile legal aid clinics would ensure that persons in need who were unable to travel to Maseru were not denied access to justice.

48. The recommendations concerning female genital mutilation made during the universal periodic review had not been accepted because her Government emphatically rejected the allegation that such procedures were performed in its territory. The fact that Lesotho had been among the countries selected by the SADC Parliamentary Forum to form part of the delegation tasked with lobbying other SADC countries that still practised female genital mutilation was a testament to its absolute rejection of the practice.

49. **Ms. Ameline** asked whether the Government planned to prohibit polygamy by law. On a lighter note, she enquired whether the successful national women's football team was supported by the Government and whether its members were presented as positive role models.

50. **Ms. Murillo de la Vega** asked the delegation to confirm whether corporal punishment practised by family members in the home, as well as its use in correctional and other State facilities, was prohibited and punishable by law.

51. **Ms. Šimonović**, returning to the issue of female genital mutilation, asked what would happen in a situation where immigrants from other countries or ethnic groups engaged in the practice on Lesotho territory. Would the judicial authorities be able to prosecute those responsible in the absence of specific legislation criminalizing the practice?

52. **Ms. Patten** said it appeared that the provisions of the bill on the Penal Code relating to spousal violence overlapped with and, in some cases, replicated the provisions of the Sexual Offences Act 2003, which had already recognized marital rape as an offence. She invited the delegation to clarify the relationship between the two legal texts.

53. She also sought an update on the status of the bill on domestic violence. Although according to the report and responses to the additional list of issues the bill was at the drafting and consultation stage, it had not been mentioned in the introductory statement. She would therefore like clarification as to whether any draft legislation was pending submission to parliament in addition to the amendments to the Penal Code.

54. **Ms. Lepono** (Lesotho) said that the national women's football team received Government support through the State-funded Lesotho Sports and Recreation Commission, which served as an umbrella body for the distribution of subsidies to sports associations throughout the country. Corporal punishment was prohibited under the Children's

Protection and Welfare Act 2011, including in the home, and all reported cases were treated as criminal offences.

55. **Ms. Mahase-Moiloa** (Lesotho) said that, under the Education Act 2010, corporal punishment was also prohibited in schools, in correctional and care facilities and throughout the legal and judicial system as a whole. Should a situation arise in which female genital mutilation was found to have been practised on Lesotho territory, the parliament would not hesitate to pass the legislation required to prosecute.

56. The bill on the Penal Code had already been approved by both houses of parliament and would be enacted as soon as a few minor amendments had been made. The bill introduced new definitions, including the offence of assault between spouses, which expanded upon the marital rape provisions established in the Sexual Offences Act 2003. There was no bill on domestic violence as yet, because the drafting process was taking longer than anticipated. The legislators had therefore taken the opportunity to integrate key provisions criminalizing and penalizing domestic violence within the bill on the Penal Code that was ready for enactment. A bill on domestic violence would, however, be presented in due course.

57. **Ms. Gabr** said that the Anti-Trafficking in Persons Act 2011 and the draft national action plan to combat human trafficking were commendable initiatives. However, initiatives addressing the poverty that was acknowledged in the report as a root cause of trafficking were equally important preventive tools. For that reason, information about poverty reduction programmes including job creation and microcredit schemes would be appreciated.

58. Because trafficking in human beings was a relatively recent phenomenon, the problem was frequently confused with illegal migration, and knowledge and understanding were generally limited. Action to raise awareness of the risks was therefore essential, especially in rural areas. There was also a need for legislation to address the related problem of forced prostitution.

59. **Ms. Jahan** said that Lesotho's placement on the Tier 2 Watch List for two consecutive years, despite the Government's preventive efforts, was a source of concern. The adoption of the Anti-Trafficking in Persons Act in January 2011 had been a step in the right direction but, according to alternative sources, efforts to enforce its provisions had to date been very limited, and investigations and arrests following reports of trafficking activities were subject to frustrating delays. In view of those reports, she would like to know the outcome of the reported cases of trafficking referred to in the introductory statement. She would also like to know whether persons accused of trafficking could be released on bail.

60. Lastly, she asked when the draft national action plan to combat human trafficking would be ready for adoption, whether any multisectoral task force or oversight and coordinating body had been established to monitor implementation of the anti-trafficking legislation pending the plan's adoption, and, if so, whether that body would have investigatory powers. She also enquired about the role of NGOs in the monitoring effort.

61. Since the legislation provided for the establishment of safe houses and shelters for victims of trafficking, it would be useful to know how many shelters were operational and how they were resourced. Lastly, she would appreciate information about any action, in addition to consultation with neighbouring countries, taken to combat the impunity enjoyed by the influential organized crime syndicates that were at the heart of the trafficking and forced prostitution problem.

62. **Ms. Lepono** (Lesotho) said that initiatives launched by the Ministry of Gender to address the root causes of trafficking included a youth credit initiative and an

entrepreneurship scheme open to all young men and women aged between 15 and 35 years of age, including married women. Free primary education and old-age pensions were also important poverty reduction tools. The Lapeng Care Centre was currently the only shelter available for victims of trafficking, but the long-term aim was to have a centre in each of the country's 10 districts.

63. **Mr. Masenyetse** (Lesotho) said that, to help mitigate poverty and empower women, his Government had made expanding the country's manufacturing industry a specific policy focus and the sector workforce had since grown from around 5,000 to over 50,000 employees. The main target employees were young women.

64. **Ms. Mahase-Moiloa** (Lesotho) said that investigating human trafficking and bringing those responsible to justice constituted a challenge even for large, developed nations, given the cross-border, syndicated nature of the phenomenon and the fact that it was controlled principally through the Internet. However, her Government was working to develop the technologies needed to facilitate investigation, and the Lesotho police force had entered into a memorandum of understanding with its South African counterpart that would enhance cooperation in that area. Poverty reduction strategies were also a central component of the preventive effort.

65. Prostitution was a criminal offence in Lesotho irrespective of the circumstances. Although the police might be guilty of mishandling cases, discrimination was not the issue, as male prostitutes were treated no differently. Her Government was currently finalizing a five-year action plan to tackle both forced prostitution and human trafficking.

66. **Ms. Jahan** asked for more details about the support provided to victims of trafficking, including measures to prevent alleged traffickers released on bail from seeking revenge against those who reported abuse.

67. **Ms. Patten** asked whether, in view of the financial constraints repeatedly mentioned by the delegation, the State party had sought technical assistance from international organizations to support both legislative development and projects on the ground. The Inter-Parliamentary Union, for example, offered assistance in drafting legislation to combat domestic violence.

68. **Ms. Lepono** (Lesotho) said that her country had not sought technical assistance thus far, but that help was very much needed.

69. **Mr. Gabr** said that support in drafting the plan of action to combat human trafficking could be obtained from the United Nations Office on Drugs and Crime in Vienna, while support for the construction of shelters for trafficking victims was available through the International Organization for Migration.

70. **Ms. Mahase-Moiloa** (Lesotho) said that the police force did not operate victim or witness support schemes. However, it was a criminal offence to attempt to influence or intimidate a victim or witness and any person who contravened that prohibition would lose the right to bail and be incarcerated. The Government was receiving civil society support at the grass-roots level in the fight against human trafficking, particularly in the form of assistance in conducting awareness-raising activities.

Articles 7 and 8

71. **Ms. Bareiro-Bobadilla** said that the fact that Lesotho had made significant advances towards substantive equality without using temporary special measures indicated that women's participation in political and public life was accepted in principle. However, its reservation to article 2 of the Convention ran counter to that acceptance. She was interested to know the practical implications of women's exclusion from succession and the particular political powers and decision-making processes from which they were excluded.

72. Having read the Constitution of Lesotho, she was concerned that article 18, paragraph 4 placed unacceptable restrictions on the scope of application of paragraph 1 of that same article, which prohibited the adoption of legal provisions that were discriminatory either in themselves or in effect. Subject to those restrictions, provisions of laws governing such core areas of women's lives as marriage, divorce and burial were excluded from the prohibition. She therefore asked whether the Government was considering repealing that impediment to women's equality, if it had not already done so.

73. She also asked whether the increase in the formal powers of women at the local level had helped to bring about a parallel increase in female involvement in efforts to eliminate discriminatory laws, practices and customs and, if so, whether there had been any corresponding improvement in the success of those efforts.

74. **Ms. Belmihoub-Zerdani** suggested that the Beijing Declaration and Platform for Action under which developed nations undertook to support former colonies that remained in an underdeveloped state could open up new sources of funding for the State party's development projects.

75. **Ms. Lepono** (Lesotho) said that the Committee's encouragement and suggestions for assistance were greatly appreciated. She mentioned for clarification that Lesotho had sent a sizeable delegation to the Fourth World Conference on Women in Beijing.

76. **Ms. Mahase-Moiloa** (Lesotho) said that there were no impediments to women holding decision-making positions in Lesotho other than their exclusion from succession to the throne and chieftainship. The reservation to article 2 of the Convention was based solely on that exclusion. The exclusion was in turn a reflection of long-established Lesotho traditions which dictated that men married women into their family and women ceased to be a member of their birth family upon marriage. That was the main obstacle to female succession and, by extension, the withdrawal of the reservation. However, recognizing that the tradition could be perceived as discriminatory, the Government planned to use a recent Constitutional amendment that introduced the possibility of holding referendums to solicit the electorate's views on the question of female succession.

77. **The Chairperson**, speaking in her capacity as an expert, said that she had been surprised to hear that Lesotho had not sought technical assistance in the past, given that assistance was available from various sources. Noting that financial constraints were cited as the main reason for the report's late submission, she wished to emphasize, however, that political will, effective strategies and prioritization and determined management were, in her experience, as important as finance; once a viable plan had been developed, international donors could invariably be found and, in the early stages, technical assistance was often more useful than finance.

78. With that in mind, she suggested that training could be sought from the United Nations Entity for Gender Equality and the Empowerment of Women, other United Nations agencies and also NGOs. She would also appreciate clarification as to which United Nations agencies and international organizations were already working in Lesotho and, for those not present, an explanation of the reasons for their absence.

79. **Ms. Tabifor** (Lesotho) said that the United Nations Development Fund and United Nations Population Fund (UNFPA) were both active in Lesotho and that both had been supporting the Lapeng Care Centre, including by providing trained staff. The UNFPA country programme for Lesotho was already in the fifth cycle of assistance and its key components included the prevention of gender-based violence and capacity-building for women's empowerment in general. However, the Government needed additional financial support to speed up the implementation and development process.

80. **Ms. Mahase-Moiloa** (Lesotho) said that the restrictions on the scope and effect of the anti-discrimination provision established in article 18, paragraph 1, of the Constitution remained in effect. However, a considerable amount of new legislation had been passed since the article had been enacted, and many of the customary law provisions that the restrictions sought to protect had been repealed. As a result, the impact of the restrictions had been greatly diminished.

The meeting rose at 1 p.m.